

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is August 27, 2008, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
** Indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE **P.O. Box 790, Boise, ID 83701-0790**

02-0303-0801, Rules Governing Pesticide and Chemigation Use and Application. Incorporates by reference the Code of Federal Regulations that require inspections of pesticide producing establishments, pesticide dealers and professional applicators to ensure compliance with federal pesticide containment requirements and allow the inspections to be completed with state credentials and reviewed by state officials; deletes pre-registration requirements for unusable pesticide collections.

02-0602-0801, Rules Pertaining to the Idaho Commercial Feed Law. Updates the incorporation by reference of the 2009 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) which is a standard reference manual for feed control officials for the registration of animal feeds.

02-0612-0801, Rules Pertaining to the Idaho Fertilizer Law. Updates the incorporation by reference of the 2009 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) which is a standard reference manual for feed control officials for the registration of fertilizers.

02-0618-0801, Rules Governing Mint Rootstock and Clone Production. (Temp & Prop) Changes the time frame for mint field inspections and triples the inspection rate from every 30 to every 10 rows to provide better assurance that regulated pests and diseases are not present.

02-0631-0801, Noxious Weed Free Forage and Straw Certification Rules. (Temp & Prop) Changes the certification marking for noxious weed-free forage and straw bales from special blue and orange colored twine to special purple and yellow colored twine and the certified compressed forage bale binding material colors and requirements to meet the North American Weed Management Association inspection standards.

02-0641-0801, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. Incorporates by reference the 2009 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO), the standard reference manuals for fertilizer control officials for the registration of soil and plant amendments.

IDAPA 07 - DIVISION OF BUILDING SAFETY **1090 E. Watertower St., Meridian, ID 83642**

07-0103-0801, Rules of Electrical Licensing and Registration - General. Clarifies that any person or entity that advertises to perform or offers to perform electrical contracting services is considered to be acting or attempting to act as an electrical contractor and must be licensed.

07-0204-0801, Rules Governing Plumbing Safety Inspections. Allows for the use of a single sticker for multiple inspections from multiple trades and removes the color limitation and eliminates unnecessary expenses associated with multicolored inspection tags; and allows flexibility in the placement of the tags.

07-0301-0801, Rules of Building Safety. (Temp & Prop) Incorporates by reference the 2006 editions of the International Existing Building Code, the International Building Code and the International Residential Code.

IDAPA 09 - DEPARTMENT OF LABOR

317 W. Main St., Boise, ID 83735

09-0108-0801, Rules on Disclosure of Information. (Temp & Prop) Adds required sections; provides for public inspection of records; make changes to definitions; and provides for access to information by individuals, employers, agents, attorneys and elected officials.

09-0135-0801, Unemployment Insurance Tax Administration Rules. Deletes "continuity of business activity" and adds "transfer of trade or business" to accurately reflect statutory language in Section 72-1351A, Idaho Code.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

16-0301-0801, Eligibility for Health Care Assistance for Families and Children. (Temp & Prop) Aligns rules with federal regulations allowing Afghan and Iraqi special immigrants eligibility for health care; aligns provisions for Transitional Medicaid with federal law which requires the participant to report quarterly; and deletes procedural language.

16-0304-0802, Rules Governing the Food Stamp Program in Idaho. (Temp & Prop)

16-0305-0801, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. (Temp & Prop)

16-0306-0801, Rules Governing Refugee Medical Assistance. (Temp & Prop)

16-0308-0802, Rules Governing Temporary Assistance for Families in Idaho. (Temp & Prop)

Changes to these 4 chapters align these rules with the federal regulations allowing Afghan and Iraqi special immigrants eligibility for benefits and assistance under each of these programs.

16-0503-0801, Rules Governing Contested Case Proceedings and Declaratory Rulings. Provides the following administrative review options: a process for reviewing child protection cases prior to a person's name being entered into the Child Protection Central Registry; a review option for Intensive Behavioral Intervention that allows for informal resolution of disputes related to certification, billing, or reimbursement; a new appeal process specific to the Infant Toddler Program to ensure that federal due process requirements under the "Individuals with Disabilities Education Act" are followed. Also adds required sections; gives an appellant 14 days to file a petition for a Board review and allows the Board chair to determine whether the Board needs a transcript of a hearing on which they are going to hear oral argument; and clarifies that a Medicaid review conference must be held within 28 days of the request for an administrative review.

16-0613-0801, Rules Governing Emergency Assistance for Families and Children. Updates the definition section; clarifies conditions that make up an emergency condition; clarifies who the service population is; reduces the complexity of eligibility criteria; and ensures compliance with federal law.

IDAPA 18 - DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0109-0801, Senior Consumer Protection in Annuity Transactions. (Temp & Prop) Complies with HB 411 by amending the rules governing sales of annuity products to protect all consumers rather than just senior consumers.

18-0162-0801, Annual Audited Financial Reports. Renames and revises chapter to require that insurers comply with certain best practices related to auditor independence, corporate governance and internal control over financial reporting to meet the NAIC Model Audit Rule for accreditation standards; and adds required sections.

IDAPA 21 - DIVISION OF VETERANS SERVICES

320 Collins Road, Boise, ID 83702

21-0105-0801, Rules Governing Medical Transportation Payment for Wheelchair Confined Veterans. Increases reimbursement to transportation providers for transporting disabled veterans to medical providers.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

1109 Main St., Ste. 220, Boise, ID 83702

24-1501-0801, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family

Therapists. (Temp & Prop) Complies with HB376 by establishing the qualification, examination, and continuing education requirements, practice limits, and application and license fees for an associate marriage and family therapist license.

24-1901-0801, Rules of the Board of Examiners of Residential Care Facility Administrators. Complies with HB492 by allowing the Board to approve exams other than the National Association of Board of Examiners of Long Term Care Administrators (NAB) exam; provides for an open book exam to test on Idaho law and rules; and updates the reference to the association to IHCA/ICAL.

IDAPA 30 - IDAHO COMMISSION ON LIBRARIES

PO Box 83720, Boise, ID 83702

30-0101-0801, Rules of the Idaho Commission for Libraries Governing the Use of Commission Services. Complies with SB 1321 by providing a mechanism for operating a digital repository of state publications including authority and exemptions.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise ID 83707-1129

39-0207-0801, Rules Governing Titling of Salvage, Specially Constructed, and Reconstructed Motor Vehicles. (Temp & Prop) Complies with HB 364 and 365 by changing the procedures for titling vehicles declared salvage or total loss; requires disclosure upon sale that the vehicle has been declared salvage or is branded as rebuilt salvage to simplify the process for branding such vehicles as "rebuilt salvage"; clarifies and defines "brand" and when it must be used; no longer exempts motorcycles, trailers, and vessels from having a branded title of rebuilt salvage; adds definitions; and clarifies that assembled and replica vehicles must meet federal safety standards and emission requirements in effect for the model year being titled.

39-0260-0801, Rules Governing License Plate Provisions. (Temp & Prop) Complies with HB 602 by providing for the issuance of a new plate type for all-terrain vehicles, utility type vehicles, and off-road motorbikes, to be known as an "Idaho Restricted Vehicle," and for a process for the new plate type and validation by registration through Parks and Recreation; allows for the issuance of a temporary 30-day registration when the automated system is not available; clarifies the acceptability of personalized plate messages and defines the length of personalized plate messages will include spaces.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

****58-0101-0802, Rules for the Control of Air Pollution in Idaho.** Updates citations to federal regulations incorporated by reference at Sections 008 and 107 to include those revised as of 7/1/08. Comment by 9/1/08.

****58-0103-0801, Individual/Subsurface Sewage Disposal Rules.** Defines the terms "bedroom" and "module"; revises the wastewater flow rates for single family dwellings; refines the soil classification system from 3 to 6 soil types; and revises the maximum total square feet of trench. Comment by 9/3/08.

58-0105-0801, Rules and Standards for Hazardous Waste. Updates the federal regulations incorporated by reference to include those revised as of 7/1/08 and adds new Section 017 to include 40 CFR Part 278. Comment by 9/3/08.

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-0801 - Revises definitions; clarifies Section 500, Demonstration of Technical, Financial, and Managerial Capacity; revises Section 501, General Design Requirements for Public Drinking Water Systems; modifies the content of facility plans and preliminary engineering reports contained in Sections 502 and 503; revises Section 504, Review of Plans and Specifications; clarifies separation requirements for sources of contamination from public drinking water wells; modifies sections regarding spring sources and ground water sources; clarifies Section 531, Design Standards for Chemical Application; adds and clarifies design requirements for drinking water distribution systems; redefines storage structures and facilities; and clarifies several operating criteria for public drinking water systems. Comment by 9/3/08.

58-0108-0802 - Updates the incorporation by reference of the federal EPA Ground Water Rule as promulgated 11/6/06 to retain primacy for enforcement of the Safe Drinking Water Act for Idaho's public water systems. Comment by 9/3/08.

58-0111-0801, Ground Water Quality Rule. Adds definitions necessary to improve statewide consistency with interpretation and implementation of mining provisions of this rule; develops a procedure and process to follow for setting the point(s) of compliance for ground water quality related issues at mining areas; provides for ground water monitoring at mining areas; and imposes a fee on mine operators making an application to set the ground water quality point(s) of compliance. Comment by 9/3/08.

58-0116-0801, Wastewater Rules. Revises definitions; revises review of plans and specifications; adds new Section 409, Demonstration of Technical, Financial, and Managerial Capacity; modifies the content of facility plans and preliminary engineering reports; clarifies the requirements for operation and maintenance manuals; clarifies Subsection 430.02.o., Non-Potable Pipelines in Relation to Potable Water Pipelines; streamlines the rules for private municipal wastewater treatment plants; revises the lagoon separation distance requirement and clarifies seepage testing requirements; adds requirements for septage transfer stations; clarifies operating criteria for public wastewater systems; and adds new Section 660, Waivers. Comment by 9/3/08.

58-0124-0801, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. New chapter describes standards and procedures for application of risk based corrective action at petroleum release sites. Comment by 9/3/08.

A NEGOTIATED RULEMAKING MEETING IS SCHEDULED FOR THE FOLLOWING:

Department of Insurance

18-0144-0801 - Schedule of Fees, Licenses and Miscellaneous Charges

Please refer to the Idaho Administrative Bulletin, **August 6, 2008**, Volume 08-8 for notices and text of all rulemakings, Senate and House Concurrent Resolutions, Omnibus Rulemaking Notice of Final and Temporary Rules, public hearing schedules, Governor's executive orders, and agency contact information.

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